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13 Attorneys for Defendant  
14 GOOGLE INC.

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION

18 ORACLE AMERICA, INC.,  
19 Plaintiff,  
20 v.  
21 GOOGLE INC.,  
22 Defendant.

Case No. 3:10-cv-03561 WHA

**MOTION FOR ADMINISTRATIVE  
RELIEF TO EXTEND DEADLINE FOR  
FILING UNDER SEAL AND GRANT  
GOOGLE LEAVE TO FILE A REVISED  
DECLARATION IN SUPPORT OF  
ORACLE'S MOTION TO SEAL**

Dept.: Courtroom 8, 19<sup>th</sup> Floor  
Judge: Hon. William Alsup

1 On April 17, 2012 the Court granted in part and denied in part several of the parties'  
2 motions to file documents under seal. Dkt. No. 935. On April 22, 2012, Google's counsel, after  
3 discussions with Oracle's counsel, realized that several parts of Oracle's filings containing  
4 Google's sensitive, non-public information had inadvertently not been included in Google's  
5 declaration supporting Oracle's motion to file under seal [Dkt. No. 886]. This financial  
6 information is the same as that included in the declaration that was filed, and for which the Court  
7 granted Oracle's motion to file under seal. Google therefore moves for leave to file an amended  
8 declaration supporting Oracle's Motion to File Under Seal. The revised declaration is attached  
9 hereto as Exhibit A.

10 Pursuant to the local rules, the documents ruled on in the Court's April 17, 2012 order  
11 should be filed in the public record by April 23, 2012. Google moves that this deadline be  
12 extended until April 30, 2012.

13 As reflected in the attached Stipulation and [Proposed] Order, Oracle's counsel has agreed  
14 to this motion.

15  
16 Dated: April 23, 2012

KEKER & VAN NEST LLP

17  
18 By: /s/ Daniel Purcell  
DANIEL PURCELL

19 Attorneys for Defendant  
20 GOOGLE INC.

# **EXHIBIT A**

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Attorneys for Defendant  
GOOGLE INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,  
  
Plaintiff,  
  
v.  
  
GOOGLE INC.,  
  
Defendant.

Case No. 3:10-cv-03561 WHA

**DECLARATION OF DAVID ZIMMER IN  
SUPPORT OF ORACLE AMERICA,  
INC.'S ADMINISTRATIVE MOTION TO  
FILE UNDER SEAL PORTIONS OF  
ORACLE'S MOTION TO EXCLUDE  
PORTIONS OF THE RULE 706 EXPERT  
REPORT OF DR. JAMES KEARL [DKT  
NO. 849]**

Dept.: Courtroom 8, 19<sup>th</sup> Floor  
Judge: Hon. William Alsup

1 I, DAVID ZIMMER, declare as follows:

2 1. I am an associate with the law firm of Kecker & Van Nest LLP, counsel to Google  
3 Inc. ("Google") in the present case. I submit this declaration in support of Oracle America, Inc.'s  
4 Administrative Motion to File Under Seal Portions of Oracle's Motion to Exclude Portions of the  
5 Rule 706 Expert Report of Dr. James R. Kearl [Dkt. No. 849]. I have knowledge of the facts set  
6 forth herein, and if called to testify as a witness thereto could do so competently under oath.

7 2. Certain of the redacted portions of Oracle's Motion to Exclude Portions of the  
8 Rule 706 Expert Report of Dr. James R. Kearl expressly disclose or would allow others to easily  
9 deduce Google's sensitive, non-public financial data, such as costs, revenues, and profits, as well  
10 as projected costs, revenues, and profits, associated with Android. It also contains sensitive, non-  
11 public information about Google's financial management practices and methodologies. This  
12 includes the redacted material at: 4:22-5:7; 5:22-25; 6:7-9; 6:13-21; 6:23-26; 9:23; 9:25. Public  
13 release of this information would cause great and undue harm to Google. These selections should  
14 therefore be filed under seal.

15 3. Exhibit B to the Declaration of Meredith Dearborn In Support of Oracle's Motion  
16 to Exclude Portions of the Rule 706 Expert Report of Dr. James Kearl ("Dearborn Decl.")  
17 contains selections from the deposition of Aditya Agarwal, a senior financial analyst at Google.  
18 Certain parts of Exhibit B contain sensitive, non-public information about Google's financial  
19 management practices and methodologies. This includes the material at 20:11-15; 38:9-39:5;  
20 39:19-21; 51:11-52:24; 75:10-76:17; 112:5-21. Public release of this information would cause  
21 great and undue harm to Google. These selections should therefore be filed under seal.

22 4. Exhibit C to the Dearborn Declaration contains a short selection from the Expert  
23 Report of Dr. Alan Cox. This selection includes Google's sensitive, non-public financial data,  
24 such as costs, revenues, and profits associated with Android. Public release of this information  
25 would cause great and undue harm to Google. This exhibit should therefore be filed under seal in  
26 its entirety.

27 5. Exhibit D to the Dearborn Declaration contains selections from the deposition of  
28 Dr. Alan Cox. This selection includes sensitive, non-public information about Google's financial

1 management practices and methodologies. This includes the material at pages and lines 71:3 to  
 2 75:18. Public release of this information would cause great and undue harm to Google. These  
 3 portions of this exhibit should therefore be filed under seal.

4 6. Exhibit E to the Dearborn Declaration contains the Expert Report of Dr. James R.  
 5 Kearl. Certain parts of Exhibit E expressly disclose or would allow others to easily deduce  
 6 Google's sensitive, non-public financial data, such as costs, revenues, and profits, as well as  
 7 projected costs, revenues, and profits, associated with Android. This includes the figures in ¶¶  
 8 20, 21, 25 (copyright royalty figure), 28, 32 n.43, 48, 49, 50, 51 (entire portfolio and copyright  
 9 royalty figure), 69 & n.28, 71, 80, 81, 82, 85, 86 & nn. 44 and 45, 92 & n.51, 93 & n.53, 94, 95,  
 10 104, 106, 111 (entire portfolio and copyright royalty figure), 112 (copyright figure), 115, 116,  
 11 119, 121, 123, 140 n.87, 146, 148 & n.93, 153, 155, 158. It also includes Tables 1, 2, 3, 4, 5, 6, 7,  
 12 8, and 9. These portions of Exhibit E should therefore be filed under seal.

13 7. Exhibit F to the Dearborn Declaration contains the deposition of Dr. James R.  
 14 Kearl. Certain parts of Exhibit F expressly disclose or would allow others to easily deduce  
 15 Google's sensitive, non-public financial data, such as costs, revenues, and profits, as well as  
 16 projected costs, revenues, and profits, associated with Android. This includes lines 73:7-74:18;  
 17 75:11-18; 76:13-93:15; 96:13-102:17; 107:7-110:16; 131:6-19; 141:13-21; 143:7-11; 145:16-  
 18 146:1; 152:15-154:18; 158:22-25; and 202:21-206:8. These portions of Exhibit F should  
 19 therefore be filed under seal.

20 I declare under penalty of perjury that the foregoing is true and correct and that this  
 21 declaration was executed at San Francisco, California on April 23, 2012.

23 By: /s/ David Zimmer  
 24 DAVID ZIMMER